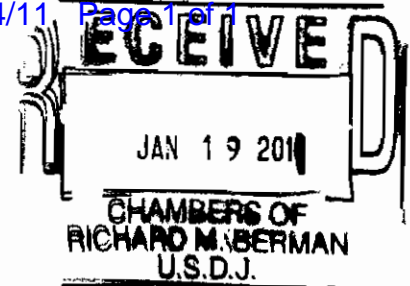


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MEMO ENDORSED



By Hand

January 19, 2011

Kevin L. Smith
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Hon. Richard M. Berman
United States District Judge
United States District Court
40 Centre Street, Courtroom 706
New York, New York 10007

USDC SDNY
DOCUMENT
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DATE FILED: 1/24/11

Re: Westport Ins. Corp. v. The Hamilton Wharton Group, et al.;
Case No. 10 CV 2188 (RMB) (THK) (the "Action")

Dear Judge Berman:

This firm is counsel to defendants, The Hamilton Wharton Group, Inc. ("Hamilton Wharton") and Walter B. Taylor, individually ("Taylor") (together "Defendants") in the Action.

At the Court's request, I am submitting a stipulation (the "Stipulation") that is intended to clarify the effect of the recently filed First Amended Complaint and responsive pleadings on the dispositive motions currently pending before your Honor.

A copy of the Stipulation, which has been signed by counsel for the parties, is enclosed. As permitted by the Stipulation, we are submitting it *ex parte* and without notice, for the purpose of "so-ordering" same.

Respectfully submitted,

Kevin L. Smith

Enclosure

This approach is acceptable
assuming the new party, New
York County Health Services Review
Organization, Inc. agrees to be
bound by the instant summary
judgment motion and there will
be no further motions for summary
judgment.
SO ORDERED:
Date: 1/21/11
Richard M. Berman
Richard M. Berman, U.S.D.J.